



CITY OF NEWTON, MASSACHUSETTS

Department of Planning and Development

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Setti D. Warren
Mayor

Public Hearing Date: October 12, 2010
Land Use Action Date: December 14, 2010
Board of Aldermen Action Date: January 3, 2011
90-Day Expiration Date: January 4, 2011

DATE: October 8, 2010

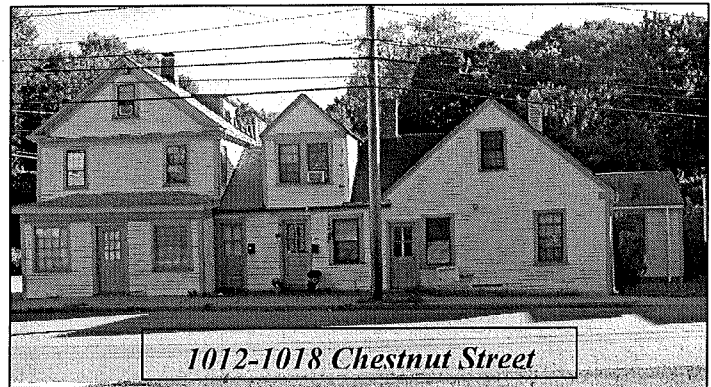
TO: Board of Aldermen

FROM: Candace Havens, Interim Director of Planning and Development
Eve Tapper, Chief Planner Current Planning **ET**
Alexandra Ananth, Senior Planner

SUBJECT: **Petition #250-10, HISTORIC CHESTNUT STREET, LLC.** petition for a special permit/site plan approval and to extend a nonconforming structure to renovate an existing building and construct an addition to create three residential units and to waive one parking space at **1012-1022 CHESTNUT STREET**, Ward 5, Newton Upper Falls, on land known as Sec 51, Blk 6, Lots 15 & 16, containing 11,530 sq. ft. of land in a district zoned BUSINESS 1. Ref: 30-24, 30-23, 30-15 Table 3, 30-21(a)(2)b), 30-21(b), 30-11(d)(8), 30-19(d) and (m) of the City of Newton Rev Zoning Ord, 2007.

CC: Mayor Setti D. Warren

The purpose of this memorandum is to provide the Board of Aldermen and the public with technical information and planning analysis which may be useful in the special permit decision making process of the Board of Aldermen. The Planning Department's intention is to provide a balanced view of the issues with the information it has at the time of the public hearing. There may be other information presented at or after the public hearing that the Land Use Committee of the Board of Aldermen will want to consider in its discussion at a subsequent Working Session.



EXECUTIVE SUMMARY

The subject property is located within the Newton Upper Falls Historic District, at the corner of Chestnut and Winter Streets. The property consists of an 11,530 sq. ft. lot improved with three separate structures/uses all under common ownership. The subject of this special permit petition is 1012-1018 Chestnut Street, which has historically been used as a mixed-use (commercial and residential) building for many years and is legally nonconforming with respect to a number of different dimensional standards. Currently the building contains five non-compliant residential units established by prior owners. The petitioners are proposing to renovate this structure including changes to the roof line and to add two modest additions of approximately 245 sq. ft. in total to the rear in order to accommodate three one bedroom residential units in the building. The proposed enlargement of a nonconforming structure is allowed by special permit. The proposed three unit residential use is also permitted in the Business 1 zoning district by special permit.

In addition to the proposed expansion of a nonconforming structure, the petitioners are renovating the other structures on the property "by right." Other structures include a legal nonconforming three-family residence which will remain a three-family use located at 1020-1022 Chestnut Street. In addition, 22 Winter Street is proposed for renovation as an office on the first floor with one residential unit above; the basement will be used as storage.

Although only 1012-1018 Chestnut Street requires a special permit for its proposed use and expansion, the total parking requirement for the site is based on all of the uses in each of the three buildings on the lot. The submitted site plan shows 15 parking spaces where 16 are required, therefore the petitioners must also obtain a special permit from the Board to waive one required parking stall.

The petitioners met with the Newton Upper Falls Historic District Commission in November 2009 and again in May 2010 and received Certificates of Appropriateness for the proposed modifications to the structure (*SEE ATTACHMENT "A"*). The subject property has been identified as one of the oldest commercial buildings in continuous use in Newton, containing stores for at least 150 years including the Loring Wheeler boot and shoe store. The building's location at the corner of Chestnut and Winter Streets was the center of the early village and the building was originally built for a commercial use in the early 1850's. At the development review team meeting the Planning Department encouraged the petitioners to retain the historic commercial use aspect of this structure. However, the petitioners have responded that there is little to no market for such commercial spaces in the current economic climate given ADA compliance requirements and on-site parking constraints, and that a residential use will make this project economically viable. Although the Planning Department is concerned about the loss of commercial space in village centers, we are cognizant that the petitioners are preserving the overall character and quality of this significant but deteriorating historic structure with an appropriately scaled addition and appropriate materials. The relatively modest sized residential units will also fill a need for a variety of housing types and sizes convenient to transportation and services.

I. SIGNIFICANT ISSUES FOR CONSIDERATION

When considering this request, the Board should consider whether:

- the expanded structure will not be substantially more detrimental than the existing nonconforming structure to the neighborhood;
- the site is an appropriate location for the proposed use and structure;
- the use as developed and operated will not adversely affect the neighborhood; and
- the proposed waiver of one parking space will be in the public interest and will not create a hazard to vehicles or pedestrians.

II. CHARACTERISTICS OF THE SITE AND NEIGHBORHOOD

A. Neighborhood and Zoning

The property is located on the northeast corner of Chestnut and Winter Streets, in Upper Falls. It is located within a Business 1 zoned district where older one, two, and multi-family residences and some commercial establishments on small-sized lots characterize the neighborhood. The majority of structures were built between 1820 and 1900, and most of the lots are between 3,000 and 10,000 sq. ft. Many of the structures are clapboard or brick. As mentioned earlier, this area was the early village center of Upper Falls and many of the surrounding structures look much as they did in the early 19th century. Across the street from the subject property 1003-1009 Chestnut Street served as the site of the village school and later post office.

B. Site

The 11,530 sq. ft. site is a corner lot currently improved with three separate structures including a three family residence currently under renovation "by-right", a small mixed use barn-like structure that will be renovated "by-right" with an office suite on the ground floor and one residential unit above, and the subject of the special permit, currently a non-compliant five unit structure the petitioners are proposing to convert to three residential units with a 245 sq. ft. addition onto the rear.

The lot is relatively level and generally consists of paved surface parking accommodating 15 nonconforming parking stalls. The lot has vehicular access on both Chestnut and Winter Streets.

III. PROJECT DESCRIPTION AND ANALYSIS

A. Land Use

The subject structure is approved for or may contain by right, two commercial units on the ground floor and two residential units above. However, it currently contains five non-compliant residential units. The petitioners are proposing to convert the

building to a three unit residential use. Multi-family dwellings are allowed in the Business 1 zoning district by special permit. Although the Planning Department encouraged the petitioners to consider retaining a business use(s) on the ground floor the petitioners have stated that there is no market for small business/office suites in this location. Given the other residential uses on the site and in the immediate neighborhood and the impact commercial uses can have on a site (increased intensity and additional parking requirements) the Planning Department believes the proposed multi-family use is appropriate for this location.

B. Building and Site Design

The existing structure is a conglomeration of two older buildings circa 1850 and later connected in 1874. The three block structure consists of two gable end structures connected by a 1½-story structure with a prominent dormer. The building is domestic in scale and is wood clapboard with six-over-six sash windows. There is a projecting enclosed storefront with multi-light store windows on the front, Chestnut Street, elevation which speaks of the building's commercial past. Presently, both gable ends have second-story entrances with wood open stairs on the rear façade of the building.

The petitioners are proposing to remove the rear staircases and to add a two-story addition to the rear of the middle unit, as well as a small second story addition to the easternmost unit. The additions will add approximately 245 sq. ft. to the building. The proposed new additions meet all dimensional requirements. The main ridge of the roof has been modified to allow for additional headroom on the second floor. The petitioners are also making some changes to add new windows and shift entrances for internal flow reasons. ***The Roof Plan (A-Roof) submitted does not appear to be consistent with the rear elevations (A-5). The petitioner should be prepared to explain these plans or submit revised elevations at the public hearing.***

The apartments are arranged as duplexes with kitchen and living areas on the first floor and bedrooms above. Two of the units are approximately 1,050 sq. ft. one bedroom units and the third unit is larger with approximately 1,480 sq. ft. and contains an office or study on the second floor in addition to the bedroom.

The petitioners are proposing wood clapboard siding, trim details consistent with existing, an asphalt tab roof, and double hung six-over-six simulated divided lite windows. As noted earlier, proposed plans have been approved by the local historic district commission.

In addition to the changes to 1012-1018 Chestnut Street the petitioners must seek a special permit for an AC pad and unit and wood deck landing that encroach into the side setback at 1020-1022 Chestnut Street.

C. Parking and Circulation

The petitioners will be retaining the general parking and circulation pattern on-site while making some improvements to make the parking more conforming. The petitioners are proposing to maintain the same number of stalls as existing, fifteen, and are seeking a waiver for one stall. The Planning Department has no concerns regarding the proposed one stall parking waiver given the size of the residential units and the removal of all but one commercial unit in the ground floor of the barn like structure located at 22 Winter Street. *The Planning Department notes that the petitioners should narrow the existing curb cut on Chestnut Street to approximately 16 ft. in order to better align with the proposed revised site plan.*

At the public hearing the petitioners should clarify how trash will be removed, how the trash area will be screened, and how snow will be stored or removed from this site.

D. Landscape Screening

The petitioners submitted a landscape plan for the site that includes some new rhododendrons, azaleas, and a new evergreen. The petitioners are attempting to add new grass areas where currently none exist and to soften the parking lot appearance of the site. The petitioners are also creating three small patios at the rear of the building that is the subject of this special permit. *The Planning Department also notes that the proposed trash area should be screened with fencing.*

IV. TECHNICAL REVIEW

- A. Technical Considerations (Section 30-15, 30-19). The Zoning Review Memorandum, dated September 13, 2010 (*SEE ATTACHMENT "B"*), provides an analysis of the proposal with regards to zoning. The petitioners need special permits to expand a legally nonconforming structure and to allow for a multi-family (three-unit) dwelling in the Business 1 zoning district. Finally, the petitioners must seek a waiver of one required parking space for the overall site which has a 16 stall parking requirement.
- B. Newton Upper Falls Historic District Commission Review. As mentioned earlier, the Commission reviewed and approved proposed changes to the site including the proposed additions to the structure at 1012-1018 Chestnut Street at its November 2009 and May 2010 meetings (*SEE ATTACHMENT "A"*). The petitioner has submitted a corrected roof plan for review and approval by Commission staff as requested in the May 2010 Certificate.
- C. Engineering Division Review. The Associate City Engineer reviewed the project in a memorandum dated September 27, 2010 (*SEE ATTACHMENT "C"*). He notes that a

retaining wall encroaches into the City's Drainage Easement and that the City will not assume responsibility for repairs to the erroneously constructed wall if maintenance or repairs to the drain pipe are needed. The applicant is in the process of obtaining a License Agreement for the wall with the City's Law Department.

- D. Fire Department Review. The City's Fire Department is expected to submit comments under separate cover prior to the public hearing.

V. ZONING RELIEFS SOUGHT

Based on the completed Zoning Review Memorandum the petitioners are seeking approval through or relief from:

- Section 30-11(d)(8), to allow a multi-family dwelling in the Business 1 zone;
- Section 30-19(d), 30-19(m), to waive one required parking stall
- Section 30-15, Table 3, 30-21(a)(2)(b) and 30-21(b), to expand a nonconforming structure;
- Section 30-23, for site plan approval; and
- Section 30-24, for approval of special permits.

VI. PETITIONERS' RESPONSIBILITIES

Subject to the review of the Fire Department, the petition is considered complete at this time. At the public hearing the petitioners should clarify how trash will be removed, how the trash area will be screened, and how snow will be stored or removed from this site. Additionally, the Roof Plan (A-Roof) submitted does not appear to be consistent with the rear elevations (A-5). The petitioner should be prepared to explain these plans or submit revised elevations at the public hearing.

ATTACHMENTS

ATTACHMENT A: CERTIFICATES OF APPROPRIATENESS, NEWTON UPPER FALLS HISTORIC DISTRICT COMMISSION, NOVEMBER 2009 AND MAY 2010

ATTACHMENT B: ZONING REVIEW MEMORANDUM DATED SEPTEMBER 13, 2010

ATTACHMENT C: ENGINEERING DIVISION MEMORANDUM DATED SEPTEMBER 27, 2010

ATTACHMENT D: ZONING MAP

ATTACHMENT E: LAND USE MAP

ATTACHMENT F: PHOTOS, ELEVATIONS, AND PROPOSED SITE PLAN 1012-1018 CHESTNUT ST.

ATTACHMENT G: DRAFT BOARD ORDER



Setti D. Warren
Mayor

CITY OF NEWTON, MAS

Department of Planning and Development
Candace Havens, Acting Director

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(617) 790

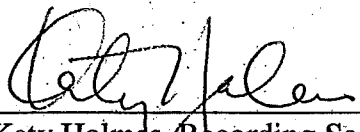
DATE: May 18, 2010

SUBJECT: 1012-1018 Chestnut Street – Certificate of Appropriateness

At the regularly scheduled meeting and public hearing on May 13, 2010, the Newton Upper Falls Historic District Commission, by a vote of 6-0,

RESOLVED to approve the change of the front windows to 6/6 sash, and relocate one front door on the right side in order to retain the residential use of the building. Both windows and the door to be replaced in accordance with previously approved materials for this building and project. Drawings as presented for the rear façade are also approved. Also, the presented drawing depicting the rear roof line shall be corrected and revised for resubmittal and approval.

Voting in the Affirmative: Larry Schwirian, Chairman; Jay Walter, Don Tellalian,
Paul Snyder, Jeff Riklin, Jon Sales


Katy Holmes, Recording Secretary



CITY OF NEWTON, MASSACHUSETTS

Department of Planning and Development
Michael J. Kruse, Director

David B. Cohen
Mayor

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DATE: November 17, 2009

SUBJECT: 1012-1018 Chestnut Street - Certificate of Appropriateness

At the regularly scheduled meeting and public hearing on November 12, 2009, the Newton Upper Falls Historic District Commission, by a vote of 6-0,

RESOLVED to accept the amended drawings as presented, including the rear decks being set back in from the original drawing. The following exterior finishes are hereby also approved: wooden clapboard siding, 5/4" wooden corner trim boards, and other trim details replicated in wood to be similar to existing; roof to be re-sheathed in architectural shingle to match that of the roof on 1020-1022 Chestnut Street; double-hung windows to be 6/6 of wood frame, SDL with dark spacer bar on all facades; first story, 16-pane windows also to be of wood and SDL with dark spacers; gutters to be either seamed PVC or wood; two rear decks to be of cedar decking and matching that of rear deck on 1020-1022 Chestnut Street.

Voting in the Affirmative: Larry Schwirian, Chairman; Paul Snyder, Beth Corr, Laurie Malcom, Jay Walter, Jeff Riklin.

At the regularly scheduled meeting and public hearing on November 12, 2009, the Newton Upper Falls Historic District Commission, by a vote of 4-2,

RESOLVED to approve the use of wood for all exterior doors, each with a two-panel grid below and 9-lite muntin window above.

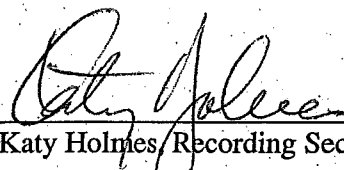
Voting in the Affirmative: Beth Corr, Laurie Malcom, Jay Walter, Jeff Riklin.

Voting in the Negative: Larry Schwirian, Chairman; Paul Snyder

At the regularly scheduled meeting and public hearing on November 12, 2009, the Newton Upper Falls Historic District Commission, by a vote of 6-0,

RESOLVED to approve the two rear, second-story fiberglass sliders with non-removable grids in between the glass.

Voting in the Affirmative: Larry Schwirian, Chairman; Paul Snyder, Beth Corr, Laurie Malcom, Jay Walter, Jeff Riklin.


Katy Holmes, Recording Secretary

Zoning Review Memorandum

Dt: September 13, 2010

To: John Lojek, Commissioner of Inspectional Services

Fr: Eve Tapper, Chief Planner for Current Planning
Candace Havens, Interim Director, Department of Planning and Development

Cc: G. Michael Peirce, representing the property owners
Ouida Young, Associate City Solicitor

RE: Request to allow expansion of a nonconforming structure to be used as a multi-family residence

Applicant: Historic Chestnut Street, LLC

Site: 1012-1022 Chestnut Street, 22 Winter Street	SBL: Section 51, Block 6, Lots 15 & 16
Zoning: BU-1	Lot Area: 11,530 square feet
Current use: Mixed-use buildings	Proposed use: Two multi-family residential buildings and one mixed use building

Background:

The subject property consists of an 11,530 square foot lot currently improved with three structures. In a letter dated January 8, 2008, Commissioner of Inspectional Services John Lojek determined that the structure on the south side of the property (1020-1022 Chestnut Street) is a legally nonconforming three-family residence. Currently, this building is being renovated by right to continue this three-family use. The structure on the east side of the property (22 Winter Street) is proposed to be renovated to be used as an office on the first floor with one residential unit on the second floor. The basement will be used as storage. These uses are allowed by right in the BU-1 zoning district. The third building on the site (1012-1018 Chestnut Street) has been used over the years as a mixed-use building. It is legally nonconforming with respect to several dimensional standards. The subject application proposes to renovate this existing structure and add an addition in order to accommodate three residential units in the building. The following review is based on materials and plans received to date referenced under Plans and Materials Reviewed.

Plans and Materials reviewed:

- Letter from Commissioner of Inspectional Services John Lojek to G. Michael Peirce dated January 8, 2010 regarding the status of 1012-1018 Chestnut Street
- Letter from Commissioner of Inspectional Services John Lojek to G. Michael Peirce dated January 8, 2010 regarding the status of 1020-1022 Chestnut Street
- Letter from Commissioner of Inspectional Services John Lojek to G. Michael Peirce dated January 8, 2010 regarding the status of 22 Winter Street

- "Site Plan, Newton, Massachusetts, Showing Proposed Conditions at #1012-1022 Chestnut Street," dated June 17, 2010, signed and stamped by Joseph R. Porter, Professional Land Surveyor
- "Site Plan, Newton, Massachusetts, Showing Existing Conditions at #1012-1022 Chestnut Street," dated June 17, 2010, signed and stamped by Joseph R. Porter, Professional Land Surveyor
- Certificate of Appropriateness from the Newton Upper Falls Historic District Commission, dated May 18, 2010, signed by Katy Holmes, Recording Secretary
- Architectural Drawings as follows signed and stamped by Hossein V. Vahedi, Registered Architect, dated 6/30/2010:
 - "A-1 First Floor"
 - "A-2 Second Floor"
 - A-Roof Roof Plan"
 - "A-3 Front Elevation"
 - "A-4 Right and Left Elevation"
 - "A-5 Rear Elevation"
- Floor Area Calculation, dated 6/23/10, signed and stamped by Hossein V. Vahedi, Registered Architect
- "Landscaping Plan," dated May 6, 2010, neither signed nor stamped by a licensed professional
- "A-1, First and Second Floor, Renovation, Existing House, 22 Winter Street," dated 6/21/10, signed and stamped by Hossein V. Vahedi, Registered Architect
- "A-2, Front Elevation, Right Elevation, Renovation, Existing House, 22 Winter Street," dated 6/21/10, neither signed nor stamped by a licensed professional

Administrative determinations:

1. The subject property is located in the BU-1 zone and is subject to the dimensional requirements in Section 30-15, Table 3. (See chart below.)

Dimensional Control 1012-1018 Chestnut Street	Required	Existing	Proposed
Number of Stories	2	2	No change
Height	24 feet	22.65 feet	No change
Floor Area Ratio	1.00	0.501	0.522
Minimum Lot Area	10,000 square feet	11,530 square feet	No change
Setbacks			
• Front	Avg.	0 feet	No change
• Side	½ building height	Info not provided	No change
• Rear	0	Info not provided	Approx. 80 feet

2. The existing building at 1012-1018 Chestnut Street is legally nonconforming with respect to front setback. Although the proposed addition on the rear of the structure will not increase this nonconformity, in order to enlarge a nonconforming structure the proponents must obtain a special permit from the Board of Aldermen under Sections 30-21(a)(2)b 30-21(b).
3. The proponents propose to renovate the existing building at 1012-1018 Chestnut Street to use it as a multi-family residence with three housing units. A multi-family dwelling is permitted in the BU-1 zoning district with the approval of a special permit from the Board of Aldermen per Section 30-11(d)(8).

4. Currently there are three structures on the site. Although only 1012-1018 Chestnut Street requires a special permit for its proposed use, the total parking requirement for the site is calculated based on all of the uses in each of the three buildings on the lot. (See chart below.)

Address	Proposed Use	Formula for Parking Calculation per §30-19(d)	No. of Spaces Required
1012-1018 Chestnut Street	3 dwelling units	2 spaces per dwelling unit	6
1020-1022 Chestnut Street	3 dwelling units	2 spaces per dwelling unit	6
22 Winter Street	410 square foot office, one dwelling unit	1 space per 250 sq. ft. and 2 spaces per dwelling unit	4
Total			16

5. The submitted site plan shows 15 parking spaces, where a total of 16 are required for the uses on the site per Section 30-19(d). The applicants must obtain a special permit from the Board of Aldermen to waive one required parking space under Section 30-19(m).

6. See "Zoning Relief Summary" below:

Zoning Relief Summary		
Ordinance		Action Required
	Site	
§30-15, Table 3, 30-21(a)(2)b), 30-21(b)	Expand legally nonconforming structure	SP per §30-24
	Use	
§30-11(d)(8)	Allow multi-family dwelling in BU-1 zone	SP per §30-24
	Parking	
§30-19(d), 30-19(m)	Waive one required parking space	SP per §30-24

CITY OF NEWTON
ENGINEERING DIVISION

MEMORANDUM

To: Alderman Ted Hess-Mahan, Land Use Committee Chairman

From: John Daghljan, Associate City Engineer

Re: Special Permit – 1012-1022 Chestnut Street

Date: September 27, 2010

CC: Lou Taverna, PE City Engineer (via email)
Linda Finucane, Associate City Clerk (via email)
Alexandra Ananth, Planner (via email)

In reference to the above site, I have the following comments for a plan entitled:

*Site Plan Showing Proposed Conditions at 1012-1022 Chestnut Street
Newton, MA*

Prepared by: VTP Associates, Inc.

Dated: August 26, 2010

Executive Summary:

Based upon a recent site visit a new cast in place retaining wall has been constructed that provides access to habitable space below the parking lot grade. This wall encroaches into the city's Drainage Easement between 1 – 2' along with a planting area along the easterly side of the dwelling having an address of #1020 – 1022 Chestnut Street. The applicant should be aware that since this encroachment is within the City's easement and if maintenance and or repairs to the drain pipe within the easement is required, the City will not assume responsibility for repairs to the erroneously constructed wall nor the planting area. Furthermore, the applicant shall be required to obtain a License Agreement for the wall and the proposed Planting area with the Law Department.

Sewer & Water:

1. If the thresholds of the existing sanitary sewer & water services are triggered, then both water and sanitary sewer services shall be renewed for the site.

2. The existing water & sewer services to the building shall be cut and capped at the main and be completely removed from the site and properly back filled. The Engineering Division must inspect this work; failure to having this work inspected my result in the delay of issuance of the Utility Connection Permit.
3. All utility trenches with the right of way shall be backfilled with Control Density Fill (CDF) excavatable Type I-E; detail is available in the city of Newton Construction Standards Detail Book.

General:

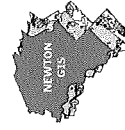
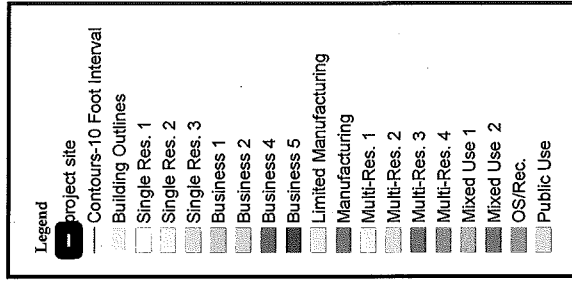
1. As of January 1, 2009, all trench excavation contractors shall comply with Massachusetts General Laws Chapter 82A, Trench Excavation Safety Requirements, to protect the general public from unauthorized access to unattended trenches. Trench Excavation Permit required. This applies to all trenches on public and private property. *This note shall be incorporated onto the plans*
2. The contractor is responsible for contacting the Engineering Division and scheduling an appointment 48 hours prior to the date when the utilities will be made available for an inspection of water services, sewer service, and drainage system installation. The utility is question shall be fully exposed for the inspector to view; backfilling shall only take place when the City's Inspector has given their approval. *This note should be incorporated onto the plans*
3. The applicant will have to apply for Street Opening, Sidewalk Crossing, and Utilities Connecting permits with the Department of Public Works prior to any construction. *This note must be incorporated onto the site plan.*
4. The applicant will have to apply for a Building Permits with the Department of Inspectional Service prior to any construction.
5. Prior to Occupancy permit being issued, an As-Built Plan shall be submitted to the Engineering Division in both digital format and in hard copy. The plan should show all utilities and final grades, any easements and final grading. *This note must be incorporated onto the site plan.*
6. If a Certificate of Occupancy is requested prior to all site work being completed, the applicant will be required to post a Certified Bank Check in the amount to cover the remaining work. The City Engineer shall determine the value of the uncompleted work. *This note must be incorporated onto the site plan.*

Note: If the plans are updated it is the responsibility of the Applicant to provide all City Departments [Conservation Commission, ISD, and Engineering] involved in the permitting and approval process with complete and consistent plans.

If you have any questions or concerns please feel free to contact me @ 617-796-1023.

Zoning Map

1012-1022 Chestnut St.

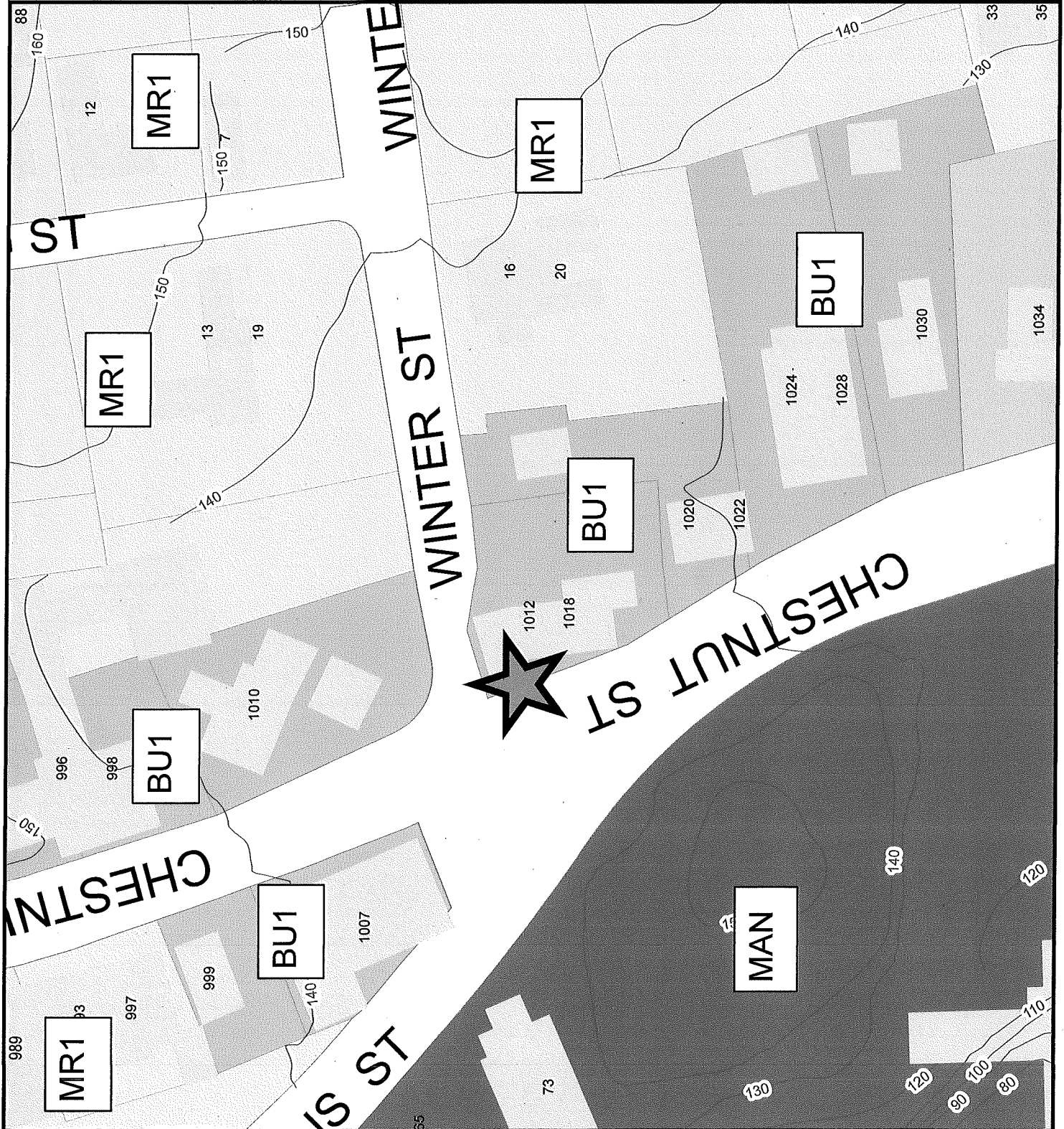


ATTACHMENT D

The information on this map is Geographic Information System data. Newton cannot guarantee the accuracy of the information. Each user of this information is responsible for determining its suitability for their purpose. City departments will not approve applications based on this map.

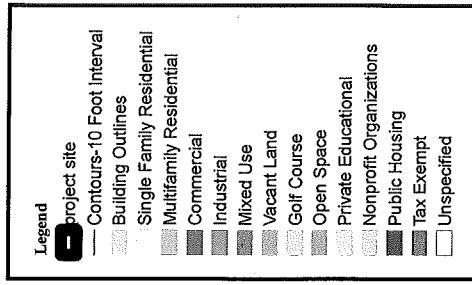


MAP DATE: October



Land Use Map

1012-1022 Chestnut St.

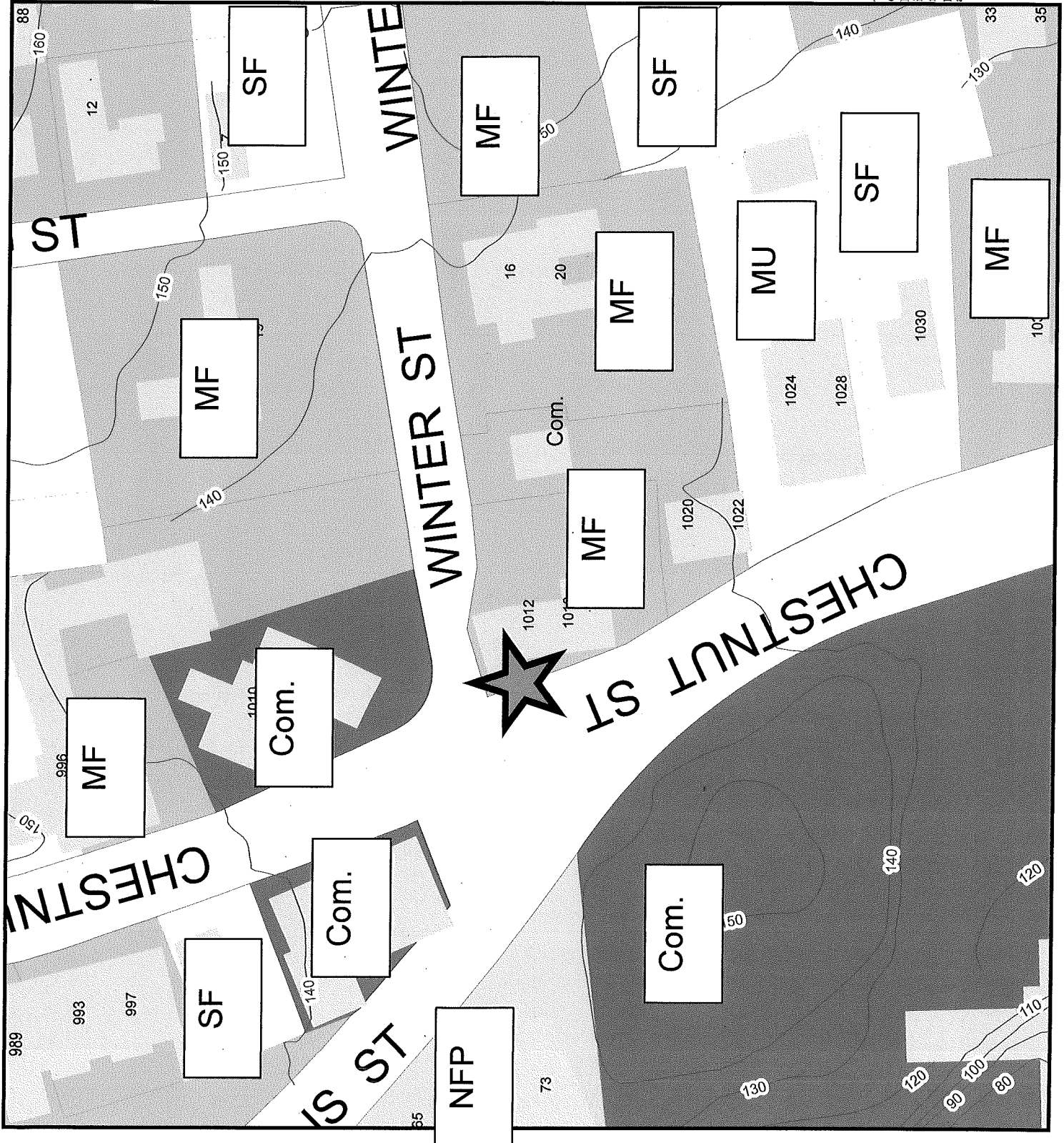


ATTACHMENT E

The information on this map is for informational purposes only. The City of Newton cannot guarantee the accuracy of the information. Each user of the map is responsible for determining its suitability for their own purpose. City departments may not approve applications based on this map.



MAP DATE: October 2011

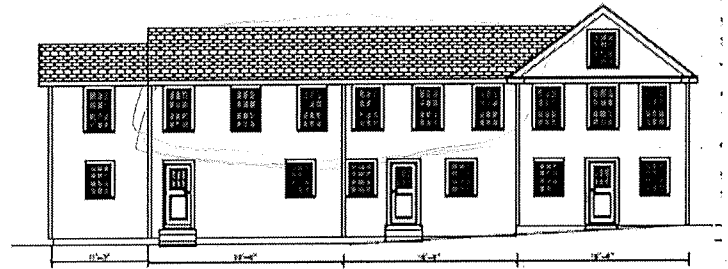


ATTACHMENT F

Photos, Elevations, and Proposed Site Plan, 1012-1018 Chestnut Street



FRONT ELEVATION



REAR ELEVATION

- LEGEND**
- STORM SEWER
 - COMBINATION SEWER
 - SEWAGE TANK
 - WATER MAIN
 - OVERHEAD ELECTRIC
 - UNDERGROUND ELECTRIC
 - GAS MAIN
 - SEWER
 - PROTECT FENCE
 - PROPERTY LINE
 - ADJACENT PROPERTY
 - COMPARATIVE FENCE
 - DECK/PAVING
 - LIHT POST
 - GAS VALVE
 - WATER VALVE
 - UTILITY POLE
 - SEWER MANHOLE
 - SEWER MANHOLE
 - FIRE HYDRANT
 - CATCH BASIN
 - FIRE CALL BOX
 - MAIL BOX
 - MONITORING WELL
 - ELECTRIC MANHOLE
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ZONING CHART

NEWTON, MASSACHUSETTS

ZONE	BU-1	REQUIREMENTS	PROPOSED
LOT AREA	10,000-11,500 S.F.	11,500 S.F.	N/C
FRONT SETBACK	10.0'	0.0'	N/C
REAR SETBACK	0.0'	0.0'	N/C
BUILD HEIGHT	24.0'	22.05'	N/C
AVERAGE GRADE	102.0'	102.0'	N/C
FRONT SETBACK	10.0'	0.0'	N/C
REAR SETBACK	0.0'	0.0'	N/C
BUILD HEIGHT	24.0'	22.05'	N/C
AVERAGE GRADE	102.0'	102.0'	N/C
FRONT SETBACK	10.0'	0.0'	N/C
REAR SETBACK	0.0'	0.0'	N/C
BUILD HEIGHT	24.0'	22.05'	N/C
AVERAGE GRADE	102.0'	102.0'	N/C
FRONT SETBACK	10.0'	0.0'	N/C
REAR SETBACK	0.0'	0.0'	N/C
BUILD HEIGHT	24.0'	22.05'	N/C
AVERAGE GRADE	102.0'	102.0'	N/C

Special Permit

Multi-family for 1012-1018 is 30-11(0)(0);
 - parking lot is 30-19(0)(3) a), for nonconforming
 - extension/allocation of non-conforming structure
 (1012-1018)(1020-1022) is 30-21(b)

IMPERVIOUS AREAS

EXISTING IMPERVIOUS AREA: 8,826 S.F.
 PROPOSED IMPERVIOUS AREA: 9,496 S.F.
 TOTAL INCREASE IMPERVIOUS AREA: -157 S.F.

*** Special Permit**

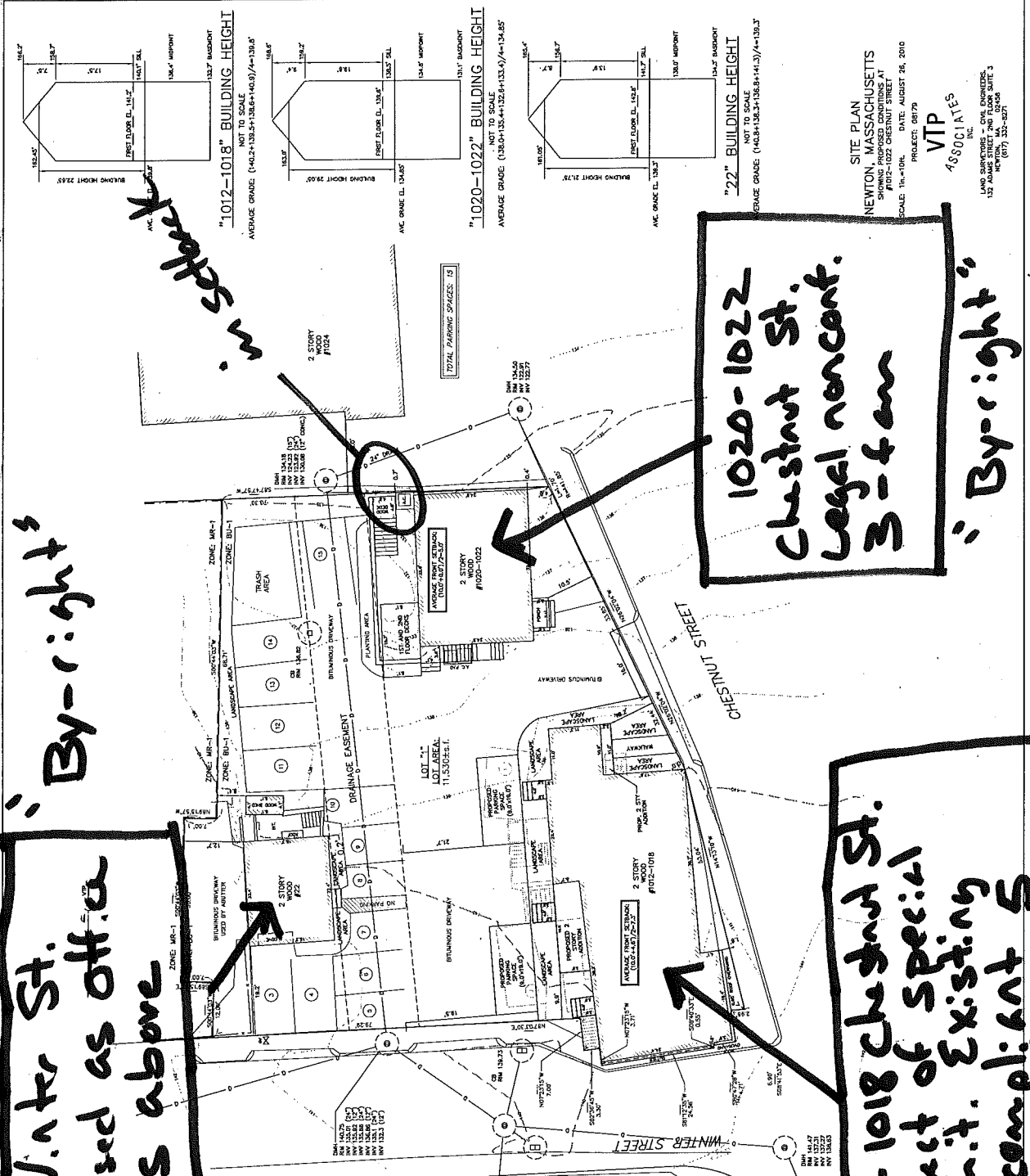
22 Water St.
 Proposed as office
 w/ res above

1012-1018 Chestnut St.
 Subject of Special
 Permit. Existing
 non-compliant 5
 unit residence.
 Proposed as 3 units

By-right

**1020-1022
 Chestnut St.
 Legal non-com.
 3-4 unit**

By-right



SITE PLAN
 NEWTON, MASSACHUSETTS
 SHOWN PROPOSED CHANGES AT
 1012-1022 CHESTNUT STREET
 SCALE: 1/4" = 10' DATE: AUGUST 26, 2010
 PROJECT: 08179
 VTP
 ASSOCIATES
 INC.
 LAND SURVEYORS - CIVIL ENGINEERS
 132 ADAMS STREET, 2ND FLOOR, SUITE 3
 NEWTON, MA 02459
 (617) 332-8877

DRAFT
#250-10CITY OF NEWTON
IN BOARD OF ALDERMEN
October 18, 2010

ORDERED:

That the Board, finding that the public convenience and welfare will be substantially served by its action, that the use of the site will be in harmony with the conditions, safeguards and limitations set forth in the Zoning Ordinance, and that said action will be without substantial detriment to the public good, and without substantially derogating from the intent or purpose of the Zoning Ordinance, grants approval of the following SPECIAL PERMIT/SITE PLAN APPROVAL to extend a nonconforming structure and use and for the waiver of one parking stall, as recommended by the Land Use Committee for the reasons given by the Committee through its Chairman Ted Hess-Mahan:

1. The proposed expansion of a nonconforming structure will not be substantially more detrimental to the neighborhood than the existing structure because the additions:
 - meet all dimensional requirements;
 - will allow for more livable and code compliant units;
 - are in keeping with the locally significant structure; and
 - have been reviewed and approved by the Newton Upper Falls Historic District Commission.
2. The site is an appropriate location for the proposed multi-family use and structure as there are many existing multi-family structures in the immediate neighborhood and the use will have a less intensive parking requirement than a commercial use.
3. The use as developed and operated will not adversely affect the neighborhood as the existing use is non-compliant and the proposed use represents a reduced density and intensity in use.
4. Literal compliance with the parking regulations is impractical due to the size of the lot. The proposed waiver of one parking space is in the public interest and will not create a hazard to vehicles or pedestrians given the size of the units on site (including the small units at 22 Winter Street) and their proximity to services and transportation.
5. The relatively modest sized residential units are consistent with the *2007 Comprehensive Plan* as they will fill a need for a variety of housing types and sizes convenient to transportation and services.

PETITION NUMBER: #250-10

PETITIONER: Historic Chestnut Street LLC; Elaine Lindy, Manager

LOCATION: 1012-1022 Chestnut Street/22 Winter Street, Section 51,
Block 6, Lot 15 & 16 containing approximately 11,530 sq.
ft. of land

OWNER: Historic Chestnut Street LLC; Elaine Lindy, Manager

ADDRESS OF OWNER: 36 Dexter Road, Newton, MA 02460

TO BE USED FOR: Two separate three-family non-conforming buildings and a
third building containing an office with apartment above.
Fifteen surface parking stalls and additional landscaping

CONSTRUCTION: 1012-1018 Chestnut St. - Additions to existing building for
conversion to multi-family housing (3-units). Clapboard
siding, asphalt shingle roof, six-over-six simulated divided
lite windows. 1020-1022 Chestnut St. - Wood landing and
AC unit and concrete pad

EXPLANATORY NOTES: §30-15, Table 3, 30-21(a)(2)(b), & 30-21(b) to expand a
legally nonconforming structure; §30-11(d)(8) to allow a
multi-family dwelling in a BU-1 zone; §30-19(d), 30-19(m)
to waive one required parking space; §30-23 for site plan
approval; and §30-24(d) for special permit approval

ZONING: Single Business 1 District

Approved subject to the following conditions:

1. All buildings, parking areas, driveways, walkways, landscaping and other site features associated with this special permit/site plan approval shall be located and constructed consistent with:
 - "Site Plan, Newton, Massachusetts, Showing Proposed Conditions at #1012-1022 Chestnut Street," dated August 26, 2010, signed and stamped by Joseph R. Porter, Professional Land Surveyor
 - "Site Plan, Newton, Massachusetts, Showing Existing Conditions at #1012-1022 Chestnut Street," dated August 26, 2010, signed and stamped by Joseph R. Porter, Professional Land Surveyor
 - Architectural Drawings as follows signed and stamped by Hossein V. Vahedi, Registered Architect, revised 6/30/2010:
 - "A-1, First Floor"
 - "A-2, Second Floor"

- A-Roof, Roof Plan”
 - “A-3, Front Elevation” dated 5/21/10
 - “A-4, Right and Left Elevation”
 - “A-5, Rear Elevation”
- “Landscaping Plan,” dated September 9, 2010, signed and stamped by Hossein V. Vahedi, Registered Architect.
2. The petitioners shall maintain all landscaping associated with this special permit/site plan approval in good condition. Any plant material that becomes diseased or dies shall be replaced on an annual basis with similar material.
 3. Prior to the issuance of a building permit the petitioners will clarify how snow will be stored or removed from the site and how the trash area will operate, subject to the review and approval of the Director of Planning and Development.
 4. Any changes to the elevations or roof plans shall be reviewed and approved by the Newton Upper Falls Historic District Commission and the Director of Planning and Development.
 5. No building permit shall be issued pursuant to this special permit/site plan approval until the petitioner has:
 - a. recorded a certified copy of this board order for the approved special permit/site plan with the Registry of Deeds for the Southern District of Middlesex County.
 - b. filed a copy of such recorded board order with the City Clerk, the Department of Inspectional Services, and the Department of Planning and Development.
 - c. obtained a written statement from the Planning Department that confirms the building permit plans are consistent with plans approved in Condition #1.
 - d. Submitted a detail of fencing around the proposed trash area subject to the review and approval of the Director of Planning and Development.
 6. No occupancy permit for the use covered by this special permit/site plan approval shall be issued until the petitioners have:
 - a. filed with the City Clerk, the Department of Inspectional Services, and the Department of Planning and Development a statement by a registered architect or engineer certifying compliance with Condition #1.
 - b. obtained a License Agreement for the wall encroachment from the Commissioner of Public Works subject to the approval of the City’s Law Department.
 - c. submitted to the Department of Inspectional Services, and the Department of Planning and Development a final as-built survey plan in digital format.
 - d. completed all landscaping in compliance with Condition #1.
 - e. Notwithstanding the provisions of Condition #6.d above, the Commissioner of Inspectional Services may issue one or more certificates of temporary occupancy for all or portions of the building constructed subject to this special permit prior to installation of landscaping provided the petitioner shall first have filed with the Director of Planning and Development a bond, letter of credit, cash or other security in the form satisfactory to the Director of Planning and Development in an

amount not less than 135% of the value of the aforementioned remaining site improvements to ensure their completion.